IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16667 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PREMJIBHAI HIRJIBHAI PRAJAPATI

Versus

GANESHBHAI KHODABHAI SAKHIYA

Appearance:

1. Special Civil Application No. 16667 of 2003

MR KD VASAVADA for Petitioner No. 1

MR SAMIR B BUNDELA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/10/2004

ORAL JUDGEMENT

1. RULE. Mr. Bundela waives service of rule on behalf of the respondent. With the consent of the parties the matter is taken up for hearing today.

2. The petitioner has by way of this petition challenged the impugned orders passed below Exh. 62 and 63 and further prayed to direct the Trial Court to forthwith decide applications at Exh. 17, 18 & 19 alongwith Exh. 32, 34 & 35.

3. I have heard the learned advocates for the respective parties and have perused the relevant record.

4. However, on the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the petitioner is directed to make an application for framing the issues and expediting the suit. Hence, it is directed that the petitioner shall make an application for framing the issues and expediting the hearing of the suit within a period of one week from today and on receipt of such application, the Trial Court shall frame the issues within a period of three weeks on the basis of proposed issues framed by both the sides. After considering the issues framed by both the sides, the Trial Court shall finalize the issues and expedite the suit in accordance with law.

5. With the above observations and direction, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.
Direct Service is permitted.

[K.S. JHAVERI, J.]

/phalguni/